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7 Attorney for Enrique Ayon

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ENRIQUE AYON,

14 Defendant.

Case No. 2:16-cr-00237-JCM-NJK-1

**STIPULATION ADMITTING TO
VIOLATIONS AND PROPOSING
RESOLUTION**

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Steven J. Rose, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Navid Afshar,
19 Assistant Federal Public Defender, counsel for Enrique Ayon, regarding the Revocation of
20 Supervised Release held on January 3, 2024.

21 This Stipulation is as follows:

- 22 1. The parties previously agreed that Mr. Ayon would admit to violations 1-4
23 contained in ECF No. 49.
24 2. The parties previously contemplated Mr. Ayon would remain on his current
25 term of supervised release without revocation.
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1 3. However, in order to comply with 18 U.S.C. § 3583 (g), the parties modified
2 the prior agreement regarding supervised release, agreeing instead to the
3 following jointly recommended resolution:

4 a. Mr. Ayon's term of supervised release shall be revoked, and he will be
5 sentenced to a period of time served, to be followed by twelve (12) months
6 of supervised release.

7 b. Mr. Ayon's supervised release shall contain the following special
8 conditions:

9 i. Search and Seizure – You must submit your person, property,
10 house, residence, vehicle, papers, computers (as defined in 18
11 U.S.C. § 1030(e)(1)), other electronic communications or data
12 storage devices or media, or office, to a search conducted by a
13 United States Probation Officer. Failure to submit to a search may
14 be grounds for revocation of release. You must warn any other
15 occupants that the premises may be subject to searches pursuant to
16 this condition.

17 The probation officer may conduct a search under this condition
18 only when reasonable suspicion exists that you have that you have
19 violated a condition of supervision and that the areas to be
20 searched contain evidence of this violation. Any search must be
21 conducted at a reasonable time and in a reasonable manner.

22 ii. Substance Abuse Treatment – You must participate in an
23 outpatient substance abuse treatment program and/or cognitive
24 behavioral treatment and follow the rules and regulations of that
25 program. The probation officer will supervise your participation in
26

1 the program (provider, location, modality, duration, intensity, etc.).

2 You must pay the costs of the program.

3 iii. Drug Testing – You must submit to substance abuse testing to
4 determine if you have used a prohibited substance. Testing shall
5 not exceed 104 tests per year. You must pay the costs of the
6 testing. You must not attempt to obstruct or tamper with the testing
7 methods.

8 iv. No Alcohol – You must not use or possess alcohol.

9 v. Mental Health Treatment - You shall participate in and
10 successfully complete a mental health treatment program, which
11 may include testing, evaluation, and/or outpatient counseling, as
12 approved and directed by the probation office. You shall refrain
13 from the use and possession of beer, wine, liquor, and other forms
14 of intoxicants while participating in mental health treatment.
15 Further, you shall be required to contribute to the costs of services
16 for such treatment, as approved and directed by the probation
17 office based upon your ability to pay.

18 vi. No Contact Condition - You shall not have contact, directly or
19 indirectly, associate with, or be within 500 feet of members of the
20 South Siders Street Gang, their residence or business, and if
21 confronted by any members of the South Siders Street Gang in a
22 public place, you shall immediately remove yourself from the area.

23 vii. Community Service – You shall complete 20 hours of community
24 service within one (1) year of the date of this Order.
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4. The parties agree that this proposed resolution fairly achieves the stated resolution outlined in ECF No. 65.

DATED this 3rd day of January, 2024.

RENE L. VALLADARES
Federal Public Defender

By /s/ Navid Afshar
NAVID AFSHAR
Assistant Federal Public Defender

JASON M. FRIERSON
United States Attorney

by /s/ Steven J. Rose
STEVEN J. ROSE
Assistant United States Attorney

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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 UNITED STATES OF AMERICA,
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Case No. 2:16-cr-00237-JCM-NJK-1

**FINDINGS OF FACT CONCLUSIONS
OF LAW AND ORDER**

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12 **Findings of Fact and Conclusions of Law**

- 13 1. On January 3, 2024, Enrique Ayon was present with counsel before the Court for a
14 hearing on the revocation of his term of supervised release pursuant to a Petition
15 filed by the United States Probation Office. ECF No. 49.
- 16 2. At the hearing on January 3, 2024, Mr. Ayon informed the Court that he wished to
17 waive his right to a hearing and admit to the violations contained in ECF No. 49.
- 18 3. After a colloquy regarding his rights, Mr. Ayon waived his hearing and admitted to
19 the violations.
- 20 4. Based upon Mr. Ayon's statements, the representations by his Counsel, and my own
21 observations, I accept Mr. Ayon's waiver of his right to a hearing and his admissions
22 to violations 1-4 contained in ECF No. 49.
- 23 5. Accordingly, I find by a preponderance of the evidence that Mr. Ayon has violated
24 the terms of his supervised release. *See* 18 U.S.C. § 3583 (e)(3).
- 25 6. Because one of the violations to which Mr. Ayon admitted was possession of a
26 controlled substance, pursuant to 18 U.S.C. § 3583 (g), revocation is mandatory.

1 7. The Court has received the proposed resolution suggested by the government, the
2 defense, and the United States Probation office, and although it is not bound by that
3 recommendation, finds it to be appropriate.

4 IT IS THEREFORE ORDERED that Mr. Ayon's term of supervised release is hereby
5 revoked. Mr. Ayon is sentenced as follows:

- 6 1. To a period of time served, recognizing that Mr. Ayon was in custody on June 16,
7 2023, pursuant to a warrant issued by this Court.
- 8 2. A term of twelve (12) months of supervised release to begin on January 4, 2024.
- 9 3. In addition to the mandatory and standard conditions, the following special
10 conditions are imposed:

11 a. Search and Seizure – You must submit your person, property, house,
12 residence, vehicle, papers, computers (as defined in 18 U.S.C. §
13 1030(e)(1)), other electronic communications or data storage devices or
14 media, or office, to a search conducted by a United States Probation
15 Officer. Failure to submit to a search may be grounds for revocation of
16 release. You must warn any other occupants that the premises may be
17 subject to searches pursuant to this condition.

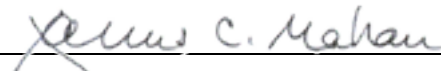
18 The probation officer may conduct a search under this condition only when
19 reasonable suspicion exists that you have that you have violated a condition
20 of supervision and that the areas to be searched contain evidence of this
21 violation. Any search must be conducted at a reasonable time and in a
22 reasonable manner.

23 b. Substance Abuse Treatment – You must participate in an outpatient
24 substance abuse treatment program and/or cognitive behavioral treatment
25 and follow the rules and regulations of that program. The probation officer
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- 1 will supervise your participation in the program (provider, location,
2 modality, duration, intensity, etc.). You must pay the costs of the program.
- 3 c. Drug Testing – You must submit to substance abuse testing to determine if
4 you have used a prohibited substance. Testing shall not exceed 104 tests
5 per year. You must pay the costs of the testing. You must not attempt to
6 obstruct or tamper with the testing methods.
- 7 d. No Alcohol – You must not use or possess alcohol.
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9 complete a mental health treatment program, which may include testing,
10 evaluation, and/or outpatient counseling, as approved and directed by the
11 probation office. You shall refrain from the use and possession of beer,
12 wine, liquor, and other forms of intoxicants while participating in mental
13 health treatment. Further, you shall be required to contribute to the costs of
14 services for such treatment, as approved and directed by the probation
15 office based upon your ability to pay.
- 16 f. No Contact Condition - You shall not have contact, directly or indirectly,
17 associate with, or be within 500 feet of members of the South Siders Street
18 Gang, their residence or business, and if confronted by any members of the
19 South Siders Street Gang in a public place, you shall immediately remove
20 yourself from the area.
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1 g. Community Service – You shall complete 20 hours of community service
2 within one (1) year of the date of this Order.

3 DATED January 5, 2024.

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7 UNITED STATES DISTRICT JUDGE
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